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Federal Communications Commission

DA 98-1699

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	CC Docket No. 98-104
1998 Annual Access Tariff Filings)	
)	
Nevada Bell Telephone Company)	Transmittal No. 250
Revisions to Tariff F.C.C. No. 1)	
)	
Southwestern Bell Telephone Company)	Transmittal No. 2719
Revisions to Tariff F.C.C. No. 73)	

MEMORANDUM OPINION AND ORDER

Adopted: August 26, 1998**Released:** August 26, 1998

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

I. INTRODUCTION

1. On June 29, 1998 the Common Carrier Bureau (Bureau), among other things, suspended for one day and set for investigation the price cap incumbent local exchange carriers' (LECs) 1998 Annual Access Tariffs.¹ On August 13, 1998, Nevada Bell Telephone Company (Nevada), and Southwestern Bell Telephone Company (SWBT) filed the above transmittals. These transmittals correct the 1998 annual filing tariff review plan (TRP) and the interconnection rates to reflect the inclusion of the weighted average nonprimary residential and BRI ISDN rate at the last PCI update effective August 28, 1998.² On August 20, 1998, MCI and AT&T each filed a petition requesting that the Commission suspend and investigate these transmittals, alleging that SWBT and Nevada have not corrected the PICC rate inputs to their CAP-1 forms.³ On August 25, 1998, SBC Communications Inc. (SBC) on behalf of SWBT and Nevada filed a motion to accept late service of pleading.

¹ 1998 Annual Access Tariff Filings, CC Docket No. 98-104, Memorandum Opinion and Order, DA 98-1294 (Com. Car. Bur., rel. June 29, 1998) (1998 Annual Access Suspension Order); 1998 Annual Access Tariff Filings, CC Docket No. 98-104, Memorandum Opinion and Order, Order Designating Issues for Investigation, and Order on Reconsideration, DA 98-1512 (Com. Car. Bur., rel. July 29, 1998) (1998 Annual Access Suspension Order).

² See Special Permission Nos. 98-190 and 98-191.

³ Petition of MCI to Reject or Suspend and Investigate Southwestern Bell Telephone Company, Transmittal No. 2719 and Nevada Bell Telephone Company, Transmittal No. 250 (filed Aug. 20, 1998) (MCI Petition). Petition of AT&T to Reject or Suspend and Investigate Southwestern Bell Telephone Company, Transmittal No. 2719 and Nevada Bell Telephone Company, Transmittal No. 250 (filed Aug. 20, 1998) (AT&T Petition).

II. DISCUSSION

2. These transmittals raise issues that were set for investigation in the *1998 Annual Access Suspension Order*. Therefore, we suspend these transmittals for one day and make them subject to the investigation initiated in the *1998 Annual Access Suspension Order* and *1998 Annual Access Designation Order*.

III. EX PARTE REQUIREMENTS

3. This investigation is a permit-but-disclose proceeding and subject to the requirements under Section 1.1206(b) of the rules, 47 C.F.R. § 1.1206(b), as revised. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b), as well.

IV. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the tariff revisions filed by Nevada Bell Telephone Company, and Southwestern Bell Telephone Company ARE SUSPENDED for one day from the effective date and an investigation of the referenced tariff transmittals ARE INSTITUTED AND CONSOLIDATED in CC Docket No. 98-104.

5. IT IS FURTHER ORDERED that Nevada Bell Telephone Company, and Southwestern Bell Telephone Company SHALL FILE, within five business days of the release date of this Order, a supplement to their tariffs in order to suspend the effective date for one day to August 29, 1998. These carriers should cite the DA number of the instant Order as the authority for making this filing.

6. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that Nevada Bell Telephone Company, and Southwestern Bell Telephone Company SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the provisions that are the subject of this investigation.

7. IT IS FURTHER ORDERED that SBC's motion to accept late service of pleading is GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau